THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.14312 OF 2005

DATED:06.04.2006

Between:

Abdulla Bin Abubakar ..Petitioner

And

The Government of Andhra Pradesh, Hyderabad represented by the Principal Secretary, Registration & Stamps Department, Secretariat, Hyderabad. and others .. Respondents

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WRIT PETITION No.14312 OF 2005

ORDER:

The petitioner is a resident of Qilla Adilabad. He filed the instant Writ Petition questioning the action of the respondents in not registering the sale deed in respect of the land admeasuring Acs.1.01

guntas comprised in survey No.426 situated at Adilabad Village and Mandal, as illegal and unconstitutional.

It is the case of the petitioner that he is the absolute owner of the subject land. He sold the property to one Abudbin Salem. The same was presented to the Sub-Registrar Hyderabad. He alleges that the same was not registered in view of a compliant given by the Commercial Tax Officer on 04.01.2005, claiming the land. Therefore, he filed the present Writ Petition seeking a direction to register the document without referring to the objections raised by the Commercial Tax Officer.

According to the learned Assistant Government Pleader for Revenue (General), the document was not presented for registration. Therefore, liberty is given to the petitioner to present the document before the Sub-Registrar. As and when the same is presented, the Sub-Registrar shall examine the same, conduct an enquiry and if for any reason the same cannot be registered, may pass an order giving reasons for non-registration. If the document is not registered, the petitioner may obtain the reasons for non-registration and file an appeal before the District Registrar under Section 72 of the Registration Act, 1908 ('the Act' for brevity). If the petitioner is unsuccessful before the District Registrar, he can file suit under Section 77(1) of the Act.

The Writ Petition is accordingly disposed of. No costs.

(V.V.S.RAO, J)

06.04.2006

GJ